

JONES DAY

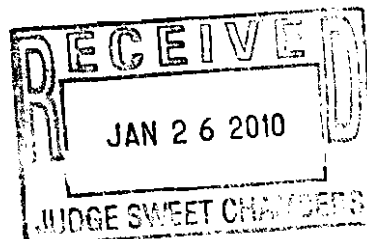
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January 26, 2010

VIA FACSIMILE (212) 805-7925

Honorable Robert W. Sweet
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007-1312



Re: Association for Molecular Pathology, et al. v. U.S. Patent and
Trademark Office, et al., Civil Action No. 09-4515 (RWS)

Dear Judge Sweet:

We are counsel for defendants, Myriad Genetics ("Myriad") and the individuals named as Directors of the University of Utah Research Foundation ("Directors"). As you are aware, on this coming Friday, January 29, defendants, Myriad and the Directors, will be filing their reply memorandum of law in support of their motion for summary judgment. We are writing this letter to seek permission to file an over-length reply memorandum.

Pursuant to your Individual Practice Rules, unless "prior permission has been granted...reply memoranda are limited to 10 pages" (Rule 2(c)). On January 13, counsel for plaintiffs wrote to the Court asking for permission to file a consolidated memorandum of law of up to 50 pages as a reply in support of their own motion for summary judgment and as an opposition to defendants' motions for summary judgment/judgment on the pleadings. This request was granted and plaintiffs filed a 50 page memorandum.

In order to adequately respond, we respectfully request that the Court approve the filing of a reply memorandum by Myriad and the Directors of up to 25 pages. We will, of course, try to do with less, but feel at this time that the additional requested pages may be necessary. Counsel for plaintiffs has consented to this request.

Respectfully,

Brian M. Poissant

Brian M. Poissant

cc: (via email)

Christopher A. Hansen
Daniel B. Ravicher
Ross E. Morrison, Esq.

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Sweet vs DJ
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